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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,925	04/27/2005	Coen Theodorus Hubertus Fransiscus Lieddenbaum	NL 021059	5011

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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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01/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,925

Applicant(s)

LIEDENBAUM ET AL.

Examiner

Tianjie Chen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 11, 12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 3, 5-10 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Non-Final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In claim 1, line 10; "vive" should be changed to --vice--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimura et al (US 5,963,528).

Claim 1, Fujimura shows a disk drive unit in Figs. 1-3 having a disk loading mechanism, including:

a housing having an opening on the top of the housing in a wall thereof for inserting or removing a disk into or from the housing through the opening to be closed by 6 (Column 4, lines 7-10),

a disk drive (Fig. 11) accommodated in the housing and adapted to engage and rotate a disk in order to allow a head to read data from or write data on a disk,

a loading mechanism 11 for receiving a disk through the opening (Fig. 4, lines 7-10) in the housing and bringing it into engagement with the disk drive, and vice versa, the loading mechanism including:

a slide 2 which is slidable with respect to the housing and the disk drive between a first position for receiving a disk and a second position covering the opening and allowing the disk drive to engage the disk,

wherein the slide is slidable substantially alongside the wall (the top of the housing) of the housing in which the opening is made and is adapted to receive the disk through the opening in the housing.

Claim 2, Fujimura et al shows that the slide includes a tray 2 to receive the disk in it, the tray having a bottom and a circumferential wall 6 sealing against the adjacent wall of the housing (Fig. 6).

Claim 4, Fujimura et al shows that the tray of the slide is slidably guided within the housing, along the inner side of the housing wall having the opening.

Claim 11, Fujimura et al shows that the slide includes a cover 6 dimensioned so as to cover the opening in the housing wall when the slide is in the second position, which cover slides along the wall of the housing containing the opening, preferably on the outside thereof (Fig. 4).

Claim 12, Fujimura et al shows that the cover 6 and tray 2 are positioned substantially adjacent to each other.

Claim 14, Fujimura et al shows that the cover is adapted to cover operating means of the disk drive unit, which is mounted on tray 2.

Claim 15, Fujimura et al shows a portable device (Column 1, lines 8-10).

5. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogiro et al (US 6,137,759).

Ogiro et al shows a disk drive unit having a disk loading mechanism, including:
a housing having an opening in a wall thereof for inserting or removing a disk into or from the housing,

a disk drive (Fig. 7) accommodated in the housing and adapted to engage and rotate a disk in order to allow a head to read data from or write data on a disk,

a loading mechanism for receiving a disk through the opening (at the top of the housing) in the housing and bringing it into engagement with the disk drive, and vice versa, the loading mechanism including:

a slide 50 which is slidable with respect to the housing and the disk drive between a first position for receiving a disk and a second position covering the opening and allowing the disk drive to engage the disk,

wherein the slide is slidable substantially alongside the wall of the housing in which the opening is made and is adapted to receive the disk through the opening in the housing.

Claim 16, Ogiro et al shows that the unit is intended to be used with a disk contained in an openable cartridge, the unit including means for positioning and/or opening the cartridge.

Allowable Subject Matter

6. Claims 3, 5-10, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 3, as the closest reference of record, Fujimura et al (US 5,963,528)/or Ogiro et al (US 6,137,759) discloses a disk drive unit having a disk loading mechanism, including: a housing having an opening in a wall thereof for inserting or removing a disk into or from the housing, a disk drive accommodated in the housing and adapted to engage and rotate a disk in order to allow a head to read data from or write data on a disk, a loading mechanism for receiving a disk through the opening in the housing and bringing it into engagement with the disk drive, and vice versa, the loading mechanism including: a slide which is slidable with respect to the housing and the disk drive between a first position for receiving a disk and a second position covering the opening and allowing the disk drive to engage the disk, wherein the slide is slidable substantially alongside the wall of the housing in which the opening is made and is adapted to receive the disk through

the opening in the housing; **but fails to show that** the bottom of the tray is provided with a (closable) opening to gain access to the disk.

- With regard to claims 5-10, as the closest reference of record, Fujimura et al (US 5,963,528)/or Ogiro et al (US 6,137,759) discloses a disk drive unit having a disk loading mechanism, including: a housing having an opening in a wall thereof for inserting or removing a disk into or from the housing, a disk drive accommodated in the housing and adapted to engage and rotate a disk in order to allow a head to read data from or write data on a disk, a loading mechanism for receiving a disk through the opening in the housing and bringing it into engagement with the disk drive, and vice versa, the loading mechanism including: a slide which is slidable with respect to the housing and the disk drive between a first position for receiving a disk and a second position covering the opening and allowing the disk drive to engage the disk, wherein the slide is slidable substantially alongside the wall of the housing in which the opening is made and is adapted to receive the disk through the opening in the housing; **but fails to show that** the slide and the disk drive are operatively coupled to obtain a relative movement during the sliding movement of the slide so as to bring a shaft of the disk drive into and out of engagement with the disk.

- With regard to claim 13, as the closest reference of record, Fujimura et al (US 5,963,528)/or Ogiro et al (US 6,137,759) discloses a disk drive unit having a disk loading mechanism, including: a housing having an opening in a wall thereof for inserting or removing a disk into or from the housing, a disk drive accommodated in the housing and adapted to engage and rotate a disk in order to allow a head to read data from or write data on a disk, a loading mechanism for

receiving a disk through the opening in the housing and bringing it into engagement with the disk drive, and vice versa, the loading mechanism including: a slide which is slidable with respect to the housing and the disk drive between a first position for receiving a disk and a second position covering the opening and allowing the disk drive to engage the disk, wherein the slide is slidable substantially alongside the wall of the housing in which the opening is made and is adapted to receive the disk through the opening in the housing; **but fails to show that** the cover is provided with operating means of the disk drive unit, such as a display, keys, and the like, and wherein there is an electrical connection between the cover and the housing.

- Applicant asserts; in this invention, the slide is easy to operate by hand, and this structure may also lead to a small building height of the loading mechanism (Specification, p. 2).


Conclusion

7. The prior art made of record in PTO-892 form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TIANJIE CHEN
PRIMARY EXAMINER